



City of Harrisonburg, Virginia

Planning Commission Meeting

February 11, 2009

7:00 p.m.

Regular Meeting
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the January 14, 2009 regular meeting.**

- 2) **New Business**

Rezoning – 120 West Wolfe Street (WRockstreet, LLC)

Public hearing to consider a request from WRockStreet, LLC, with representative Blackwell Engineering to rezone two lots totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The properties are located at 120 West Wolfe Street and can be found on tax maps 35-O-4 & 5.

Rezoning – 181 South Liberty Street (Old Police Department Lot)

Public hearing to consider an application from Rosetta Stone, Inc to rezone five lots totaling 1.2 +/- acres, owned by the City of Harrisonburg, from M-1, General Industrial District to B-1, Central Business District. The properties are located at 181 South Liberty Street and can be found on tax maps 25-C-2, 3, 4, 5, & 15.

Ordinance Amendment – Home Occupations Added to R-5

Public hearing to consider amending Section 10-3-55.3 of the Zoning Ordinance to add Home Occupations as a use permitted by right within the R-5, High Density Residential District.

Ordinance Amendment – Sections 10-3-38, 10-3-42 (c), and 10-3-182 (c) (Two Family to Duplex)

Public hearing to consider amending the Zoning Ordinance Sections 10-3-38, 10-3-42 (c), and 10-3-182 (c). These amendments would replace the term “two-family” with the term “duplex” in the above listed sections.

- 3) **Unfinished Business**

- 4) **Public Input**

- 5) **Report of secretary and committees**

Proactive Zoning

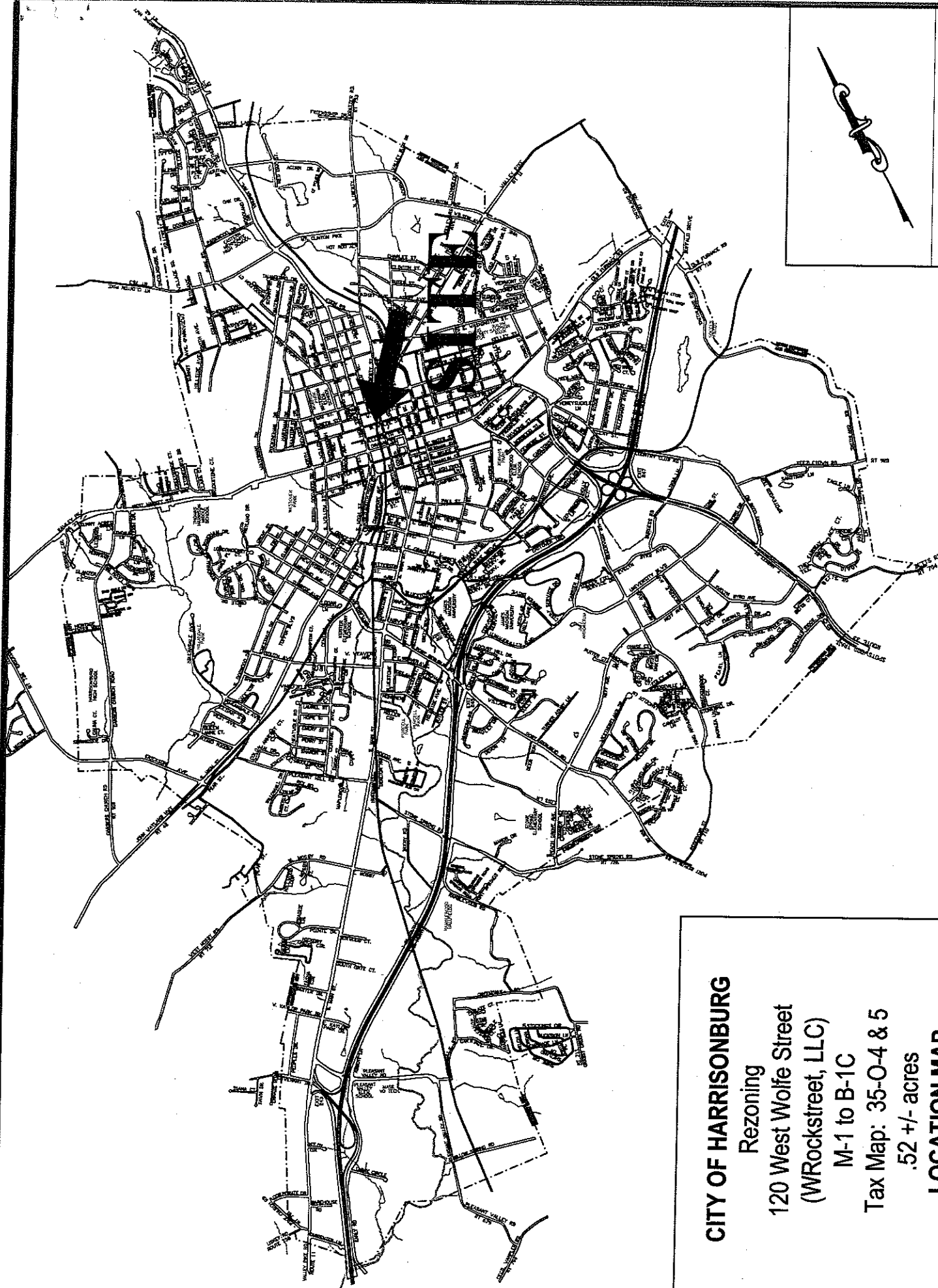
- 6) **Other Matters**

Review of 2008 Annual Reports

Discuss the nomination of a Commissioner to the BZA for City Council's consideration

- 7) **Adjournment**

Staff will be available Tuesday March 10, 2009 at 2:30 p.m. for those interested in going on a field trip to view the sites for the March 11, 2009 agenda.



Planning and Community Development
City of Harrisonburg, Virginia

CITY OF HARRISONBURG

Rezoning

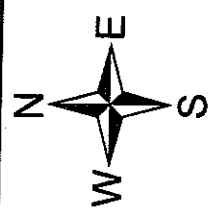
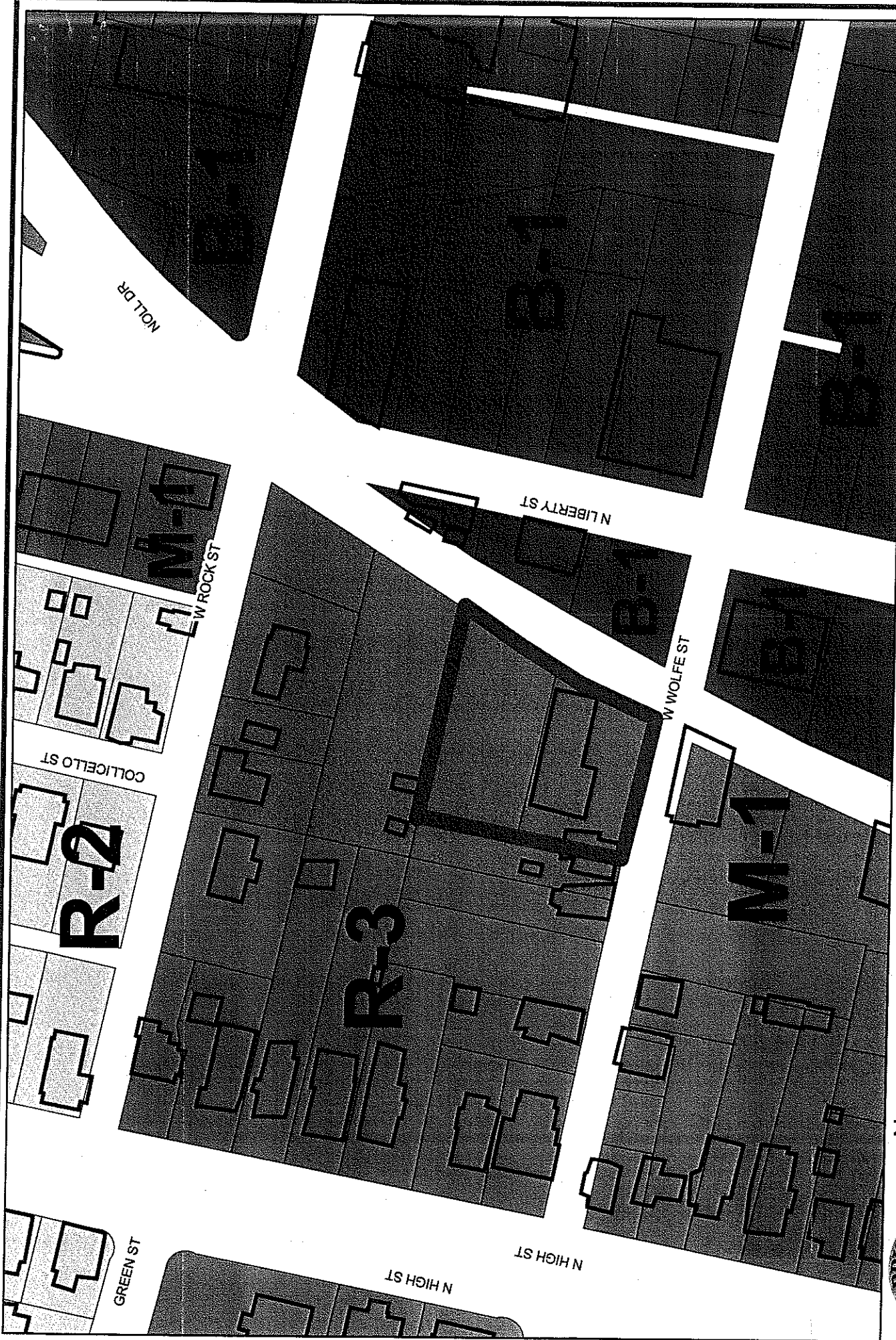
120 West Wolfe Street
(WRockstreet, LLC)

M-1 to B-1C

Tax Map: 35-O-4 & 5

.52 +/- acres

LOCATION MAP



120 West Wolfe Street (WRockStreet LLC) Rezoning - M-1 to B-1C



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

February 11, 2008

REZONING – WEST ROCK STREET APARTMENTS – M-1 TO B-1C

GENERAL INFORMATION

Applicant: WRockStreet, LLC with representative Blackwell Engineering
Tax Map: 35-O-4 & 5
Acreage: .52 +/- acres
Location: 120 West Wolfe Street
Request: Public hearing to consider a request to rezone two lots totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

Site: Carwash, empty warehouse building and vacant lands, zoned M-1
North: Vacant lands and non-conforming dwellings, zoned M-1
East: Across railroad tracks, L&S Diner and professional offices, zoned B-1
South: Across West Wolfe Street, a repair shop, zoned M-1
West: Non-conforming dwelling, zoned M-1 and dwellings, zoned R-3

HISTORY

Planning Commission originally reviewed a larger scale of this request in June 2008. That request was to rezone a 1.009+/- acre site that incorporated the two parcels described in this application and two other adjoining lots; one of which fronted along West Rock Street. The first request proposed to keep the existing warehouse building along West Wolfe Street, renovate it for use as a commercial building, and to attach a three story apartment building to the north of the renovated structure. Parking would have been provided along the side and rear of the building with an additional entrance on West Rock Street. Staff recommended denial of the rezoning request citing concerns that the proposed apartment style of development did not meet the quality or character of the B-1, Central Business District and it was not compatible to the surrounding uses. Planning Commission also recommended denial of the

request with a 5-0 vote. The case was on schedule for the July 8, 2008, City Council meeting; however, the applicant withdrew the request prior to the public hearing.

In July 2008, the applicant submitted revised proffers that were not discussed during the Planning Commission public hearing; due to the requirements specified in Section 10-3-123 (c) of the Zoning Ordinance, a new public hearing was scheduled for the August Planning Commission meeting. In preparation of the August meeting, the applicant tightened some of the earlier proffers to include limiting the occupancy of the residential units to not exceed more than two unrelated persons per unit while also limiting the residential units to not exceed 20 and to limit the commercial space to not exceed 4,000 square feet. The revised proffers were appreciated, yet they did not change staff's recommendation. The applicant tabled this request prior to the Planning Commission public hearing.

EVALUATION

The applicant is now requesting to rezone two parcels totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The site is located along West Wolfe Street directly east of the Norfolk Southern rail lines. The property has an inoperative carwash and an empty warehouse building. If rezoned, the applicant desires to demolish the existing structures and to construct a mixed use building containing commercial and residential uses. Several proffers were submitted with the rezoning request; they are as follows:

1. The site Plan as provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2,816 sq. ft., and the amount of residential space will be up to 6,570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, 10-3-84 shall be permitted on the Property:
 - a. Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores;
 - b. Governmental, business, professional offices and financial institutions;
 - c. Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building code regulations;
 - d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education;
 - e. Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities;
 - f. General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building;
 - g. Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
6. Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of ten (10) bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe Street and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or brick stamped decorative concrete will be provided on the south side of the building where elevation

permits. The style of the building will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.

Staff has worked closely with the applicant since the earlier rezoning request. The plan that is submitted with this application shows more quality and character of the B-1, Central Business District than the previous requests. The proposed building, which fronts directly on West Wolfe Street, is planned for commercial uses on the first floor at street level, with parking located in the rear. The applicant has proffered a decorative brick or brick stamped sidewalk, a bicycle rack, and landscaping; all amenities that encourage pedestrian traffic. The innovative building type design which addresses the street and the minimal visual impact of the parking which is placed to the rear of the building incorporates features of the proposed Mixed Use Planned Community District that is currently under review.

The applicant has specifically proffered that the building will be mixed use. Although the applicant intends to have first floor commercial units and then residential units on the above floors, it does not limit the building from having residential units on the first floor or limit commercial units to the first floor. Staff has no reservations about this arrangement. Occupancy has also been proffered to a family or no more than two unrelated persons per dwelling; with no more than seven dwelling units and no more than nine bedrooms.

Staff has concerns with the type of entrance that should be provided. Currently, there is a drop inlet and a railroad signal pole located directly adjacent to the east side of the entrance, between the site and the railroad tracks. The entrance should not disrupt the function of the drop inlet or the signal pole. Ultimately this issue would need to be resolved during the comprehensive site plan review process and may require a different entrance design than what is shown on this site plan.

Other proffers offered by the applicant include a six foot fence that will look like one of the designs in Exhibit B, along the western boundary line, to buffer the site from adjacent dwellings; landscaping bushes as shown, two deciduous trees or planters; a brick façade on the south and east side of the building with no vinyl siding, and in a style aesthetically similar to that shown in Exhibit C.

Staff is in support of this rezoning request. The revised proffers have answered concerns that staff previously had regarding the style of the development. The property is designated as Mixed Use Development within the Comprehensive Plan; the design and layout proffered with this request shares the characteristics of the downtown Central Business District, while still remaining compatible with the surrounding neighborhood. The Comprehensive Plan also designates the site as part of the Downtown Revitalization Area and the proposed redevelopment provides for a viable mixed use, rather than the existing vacant buildings and other unsightly property characteristics. A favorable recommendation is supported by staff.

City of Harrisonburg Community Development
Director of Community Development
Ms. Stacey Turner
409 South Main Street
Harrisonburg, VA 22801

February 4, 2009

Subject: Rezoning of T.M. Parcels 35-O-4, 35-O-5

Dear Ms. Turner:

As a condition of rezoning, the Owners and Developers (the "Developer") proffer that the development of the subject property (the "Property") on this application shall be in accordance with §15.2-2298 of the Code of Virginia and the Zoning Ordinance of the City of Harrisonburg and for the conditions set forth in this submission, if and only if, the zoning request for B-1, Central Business District, is granted. The Owners wish to revise the proffers previously submitted in a letter dated July 1, 2008. This is being done to address concerns on the part of the City's Planning Staff and the Planning Commission as expressed at the June 11, 2008, meeting of the Planning Commission. If this request for rezoning is denied or approved with conditions not agreed to by the Developer and the Owners, the proffers and conditions shall immediately be null and void and of no further force or effect. If the rezoning request is granted, these proffers and conditions will supersede all proffers and conditions that may now exist on the Property.

This application contains three exhibits described as follows:

Exhibit A – Site Plan prepared by Blackwell Engineering, PLC and dated February 4, 2009.

Exhibit B – Three (3) examples of proposed buffer fencing types.

Exhibit C—Example of building façade and architecture.

1. The Site Plan provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2816 sq.ft., and the amount of residential space will be up to 6570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, § 10-3-84 shall be permitted on the Property:
 - 1) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores,
 - 2) Governmental, business, and professional offices and financial institutions,
 - 3) Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building regulations,
 - 4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education,
 - 5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities,
 - 6) General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building,
 - 8) Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
6. Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of 10 bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe St. and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or brick stamped decorative concrete will be provided on the south side of the building where elevation permits. The style of the buildings will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.
9. Severability. The unenforceability, illegality, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

OWNER/DEVELOPER:

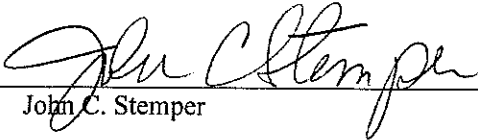

John C. Stemper

EXHIBIT B1

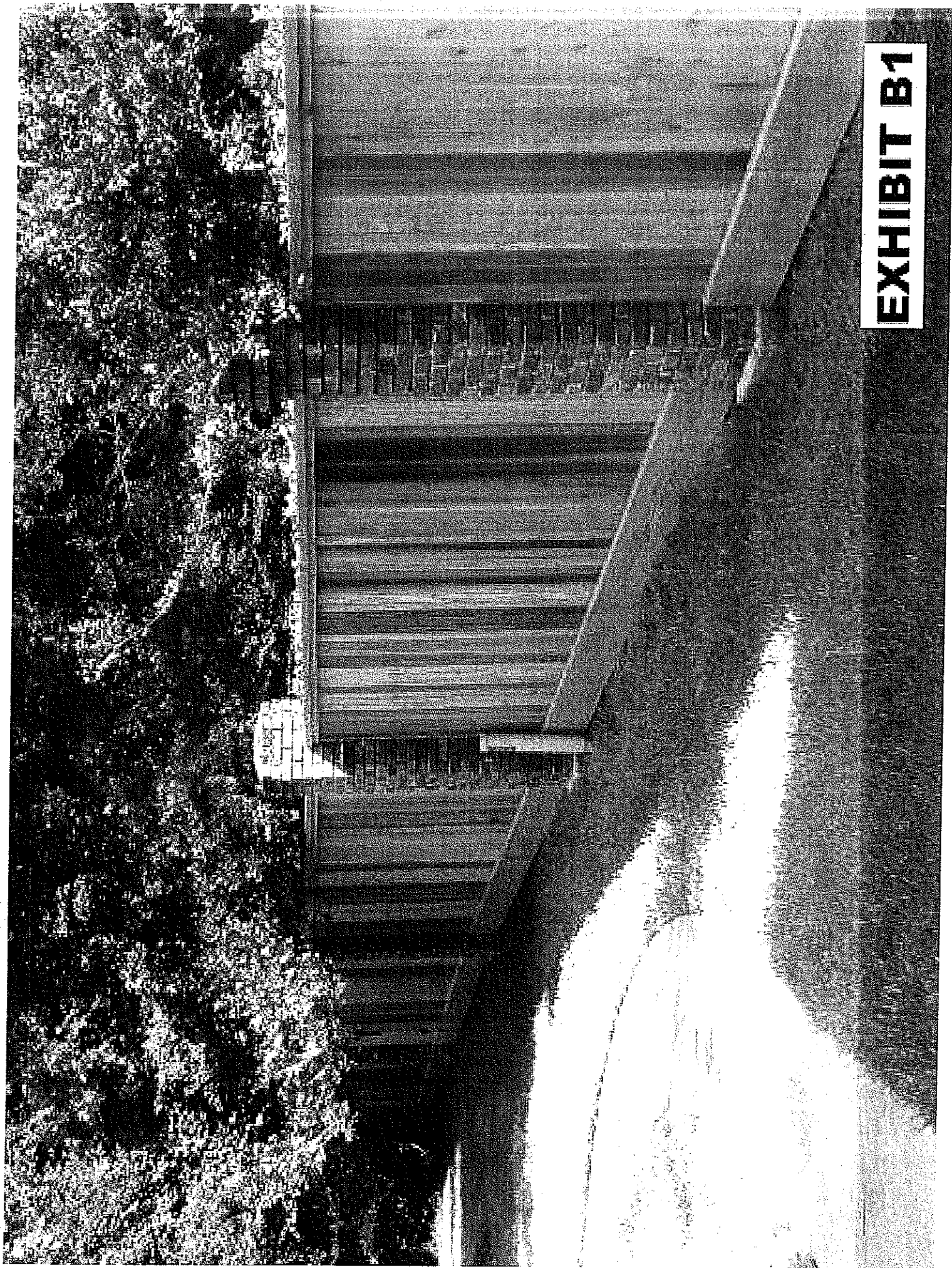
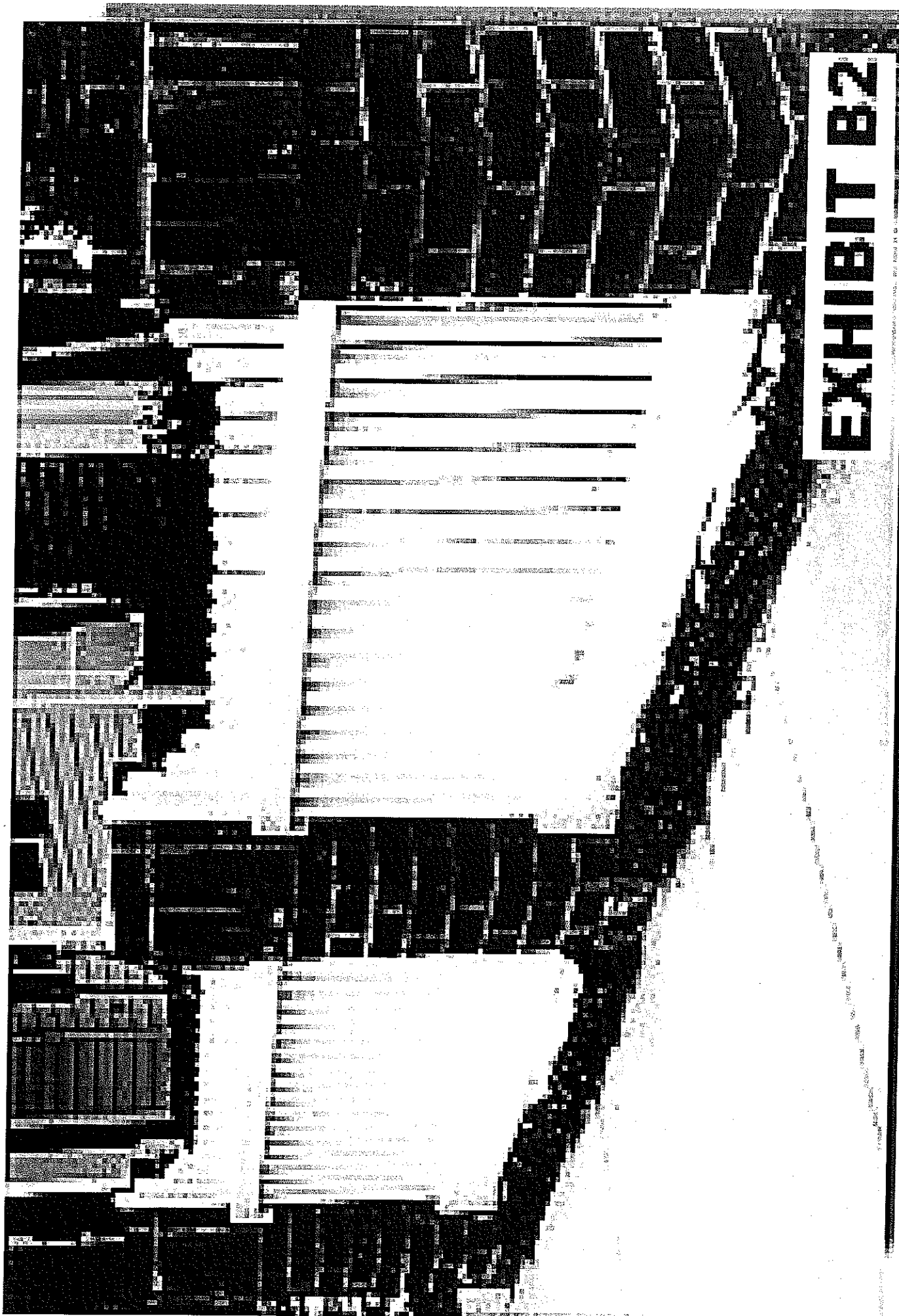


EXHIBIT B2



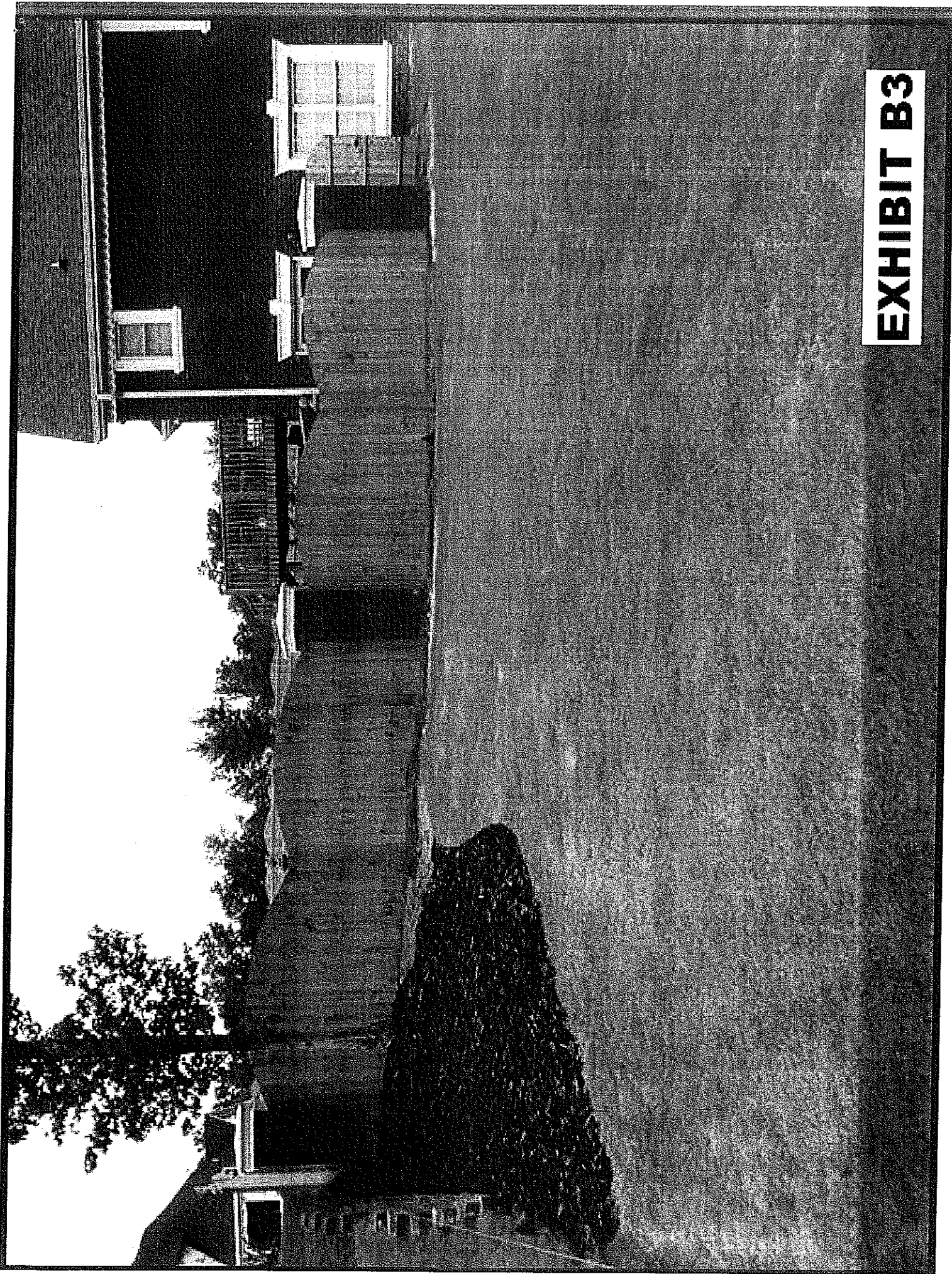
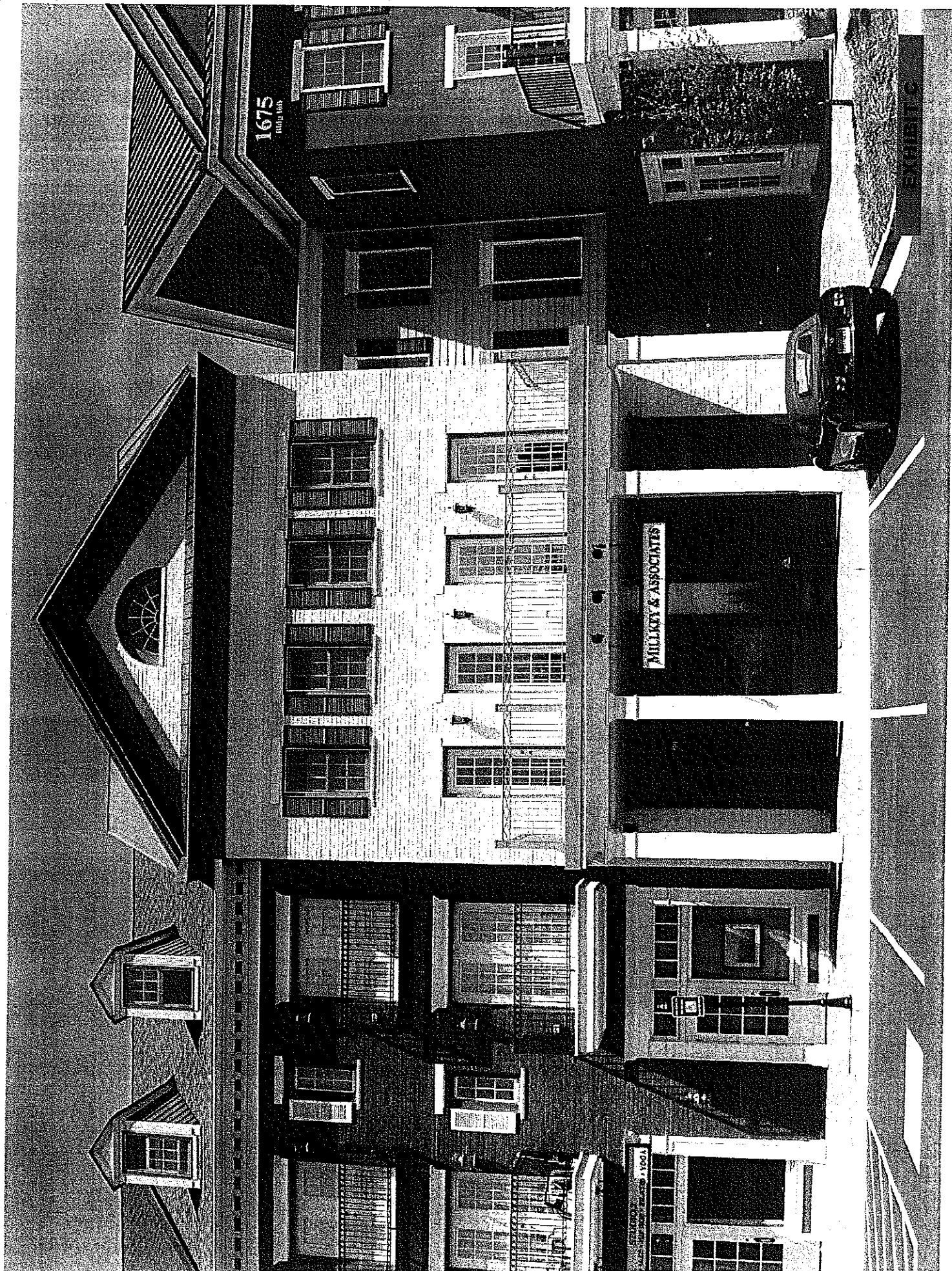
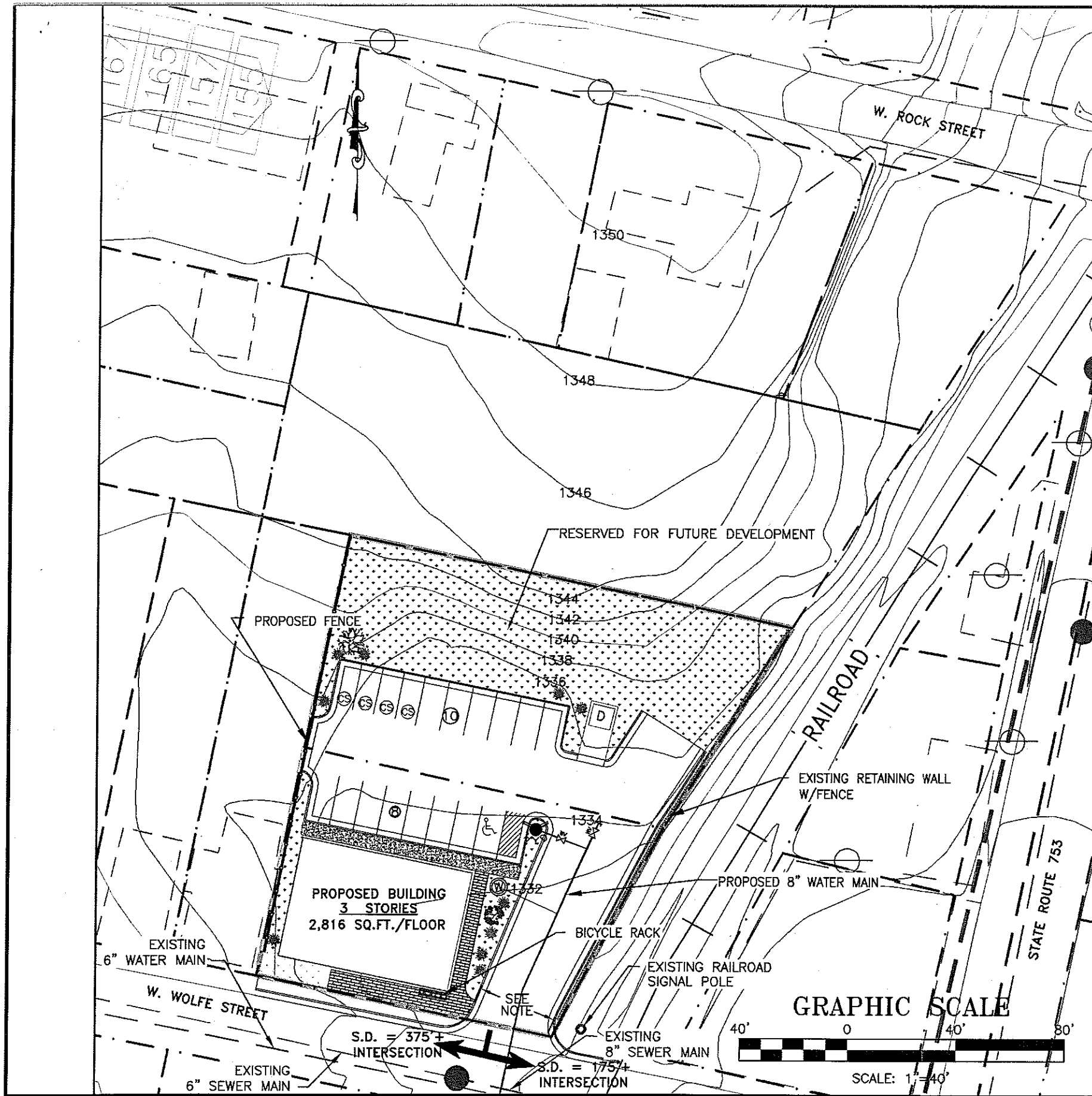


EXHIBIT B3





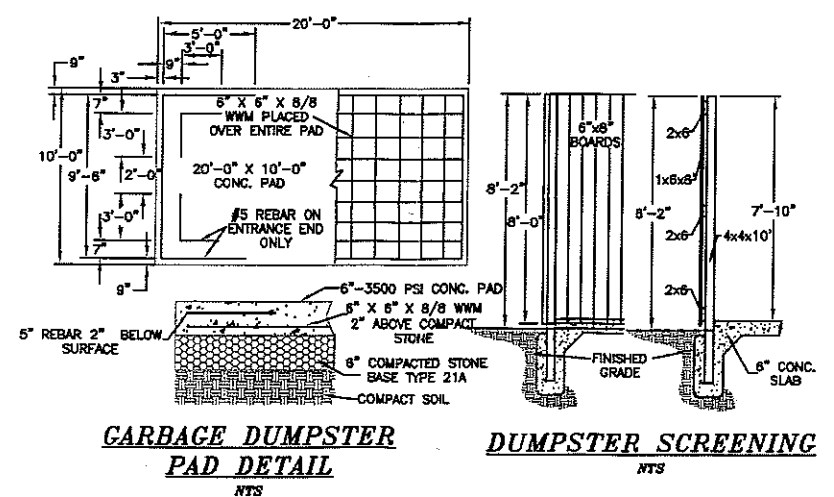
OWNER/DEVELOPER:
 LEO COOK/JOHN STEMPER
 WROCKSTREET, LLC
 231 DIXIE AVE.
 HARRISONBURG, VA 22801
 PHONE: 770 852-9320
 540 476-1501

PROPERTY INFO:
 TM# 35-0-4,5
 LOCATION:
 120 WEST WOLFE STREET
 HARRISONBURG, VA. 22801
 0.520± ACRES
 ZONED: M-1
 USE: 0.240 AC.-UNDEVELOPED
 &
 0.281 AC.-CAR WASH
 FEMA FLOOD ZONE X

DEVELOPMENT INFO:
 PROPOSED REZONE:
 FROM M-1 TO
 B-1C
 PROPOSED USE:
 COMMERCIAL/RESIDENTIAL
 COMPLEX
 UP TO 7 RESIDENTIAL UNITS
 UP TO 2816 SF COMMERCIAL

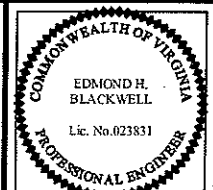
NOTE: ENTRANCE DESIGN TO BE DETERMINED DURING COMPREHENSIVE SITE PLAN REVIEW PROCESS.

- LEGEND**
- CENTER LINE
 - ⊗ EXISTING UTILITY POLE
 - ☆ EXISTING LIGHT POLES
 - ⊗ PROPOSED UTILITY POLE
 - W --- WATER LINES
 - S --- SANITARY LINES
 - D --- SANITARY SEWER CLEANOUT
 - O --- STORM SYSTEM
 - PL --- PROPOSED DITCH
 - PL --- EXISTING PROPERTY LINE
 - SETBACK LINE
 - EASEMENT LINE
 - EXISTING BUILDING
 - PROPOSED BUILDING
 - PROPOSED ROAD/EOP
 - PROPOSED PARKING
 - EXISTING ROAD
 - (CS) --- COMPACT PARKING SPACE
 - CURBING: CG-2 OR CG-6
 - HANDICAP PARKING
 - CG-12/ASPHALT RAMP
 - DUMPSTER
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - WATER VALVE
 - WATER METER
 - EXISTING FENCE LINE
 - PROPOSED FENCE
 - CONCRETE PAVING
 - BRICK/STAMPED CONCRETE
 - HEAVY PAVEMENT
 - LIGHT PAVEMENT
 - GRAVEL AREA
 - GRASS AREA
 - TRAFFIC FLOW



BLACKWELL ENGINEERING, PLC
 566 East Market Street
 Harrisonburg, Virginia 22801
 Phone: (540) 432-9555 800BlackwellEngineering.com Fax: (540) 434-7804

Date: 2-4-09	Designed by: EHB	Scale: 1"=40'
Revision Date	Drawn by: RUJ	
	Job No. 1967	



PROPOSED REZONING
 WEST WOLFE STREET COMPLEX
 WROCKSTREET, LLC
 231 DIXIE AVE.
 HARRISONBURG, VA 22801

Drawing No.
1
 of 1 Sheets

Date Application Received: _____

Application for Change of Zoning District
City of Harrisonburg, Virginia

Fee: \$325 plus \$25 per acre

Total Paid: \$ 375.00

Property Owner's Name: WRockStreet, LLC

Street Address: 231 Dixie Ave.

Email: _____

City: Harrisonburg

State: VA

Zip: 22801

Telephone: Work 770-852-9320

Home _____

Mobile _____

Owner's Representative: Ed Blackwell, Blackwell Engineering

Street Address: 566 E. Market St.

Email: ed@blackwellengineering.com

City: Harrisonburg

State: VA

Zip: 22801

Telephone: Work 540 432-9555

Home _____

Mobile _____

Description of Property *RF*

Location (Street Address): ~~139 W. Rock Street~~ *120 W. Wolfe Street*, 22802

Tax Map Number Sheet: 35 Block: O Lots: 4,5 Total land area (acres): 0.520±

Existing Zoning Classification: M-1

Proposed Zoning District: * B-1C

Existing Comp. Plan Designation: Mixed Use Development

**If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: SEE SEPARATE SHEET

South: _____

East: _____

West: _____

Certification: I certify that the Information contained herein is true and accurate.

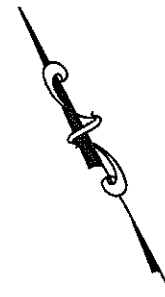
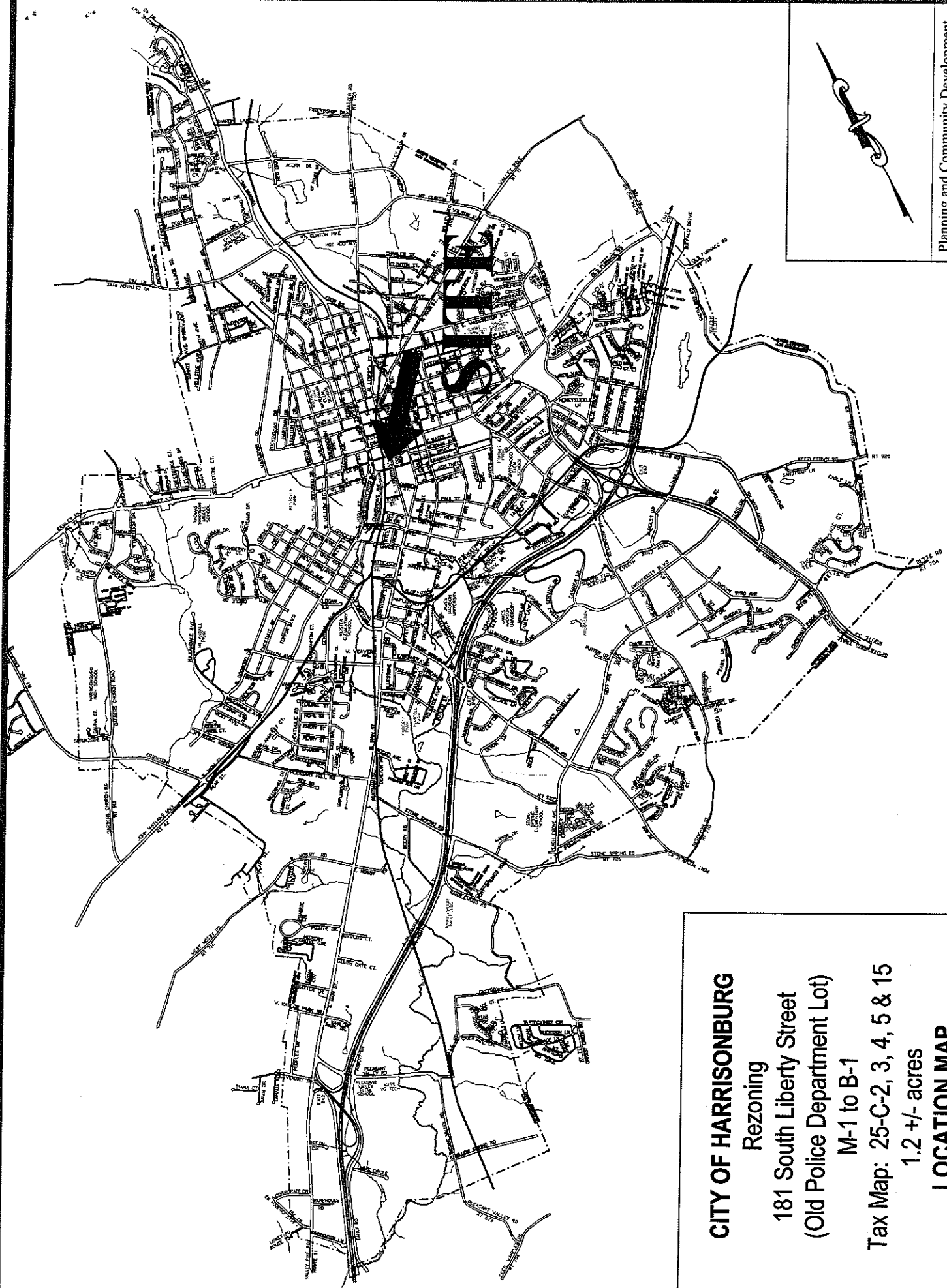
Signature: _____

Property Owner

ITEMS REQUIRED FOR SUBMISSION

- | | |
|-------------------------------------|-----------------------------|
| <input checked="" type="checkbox"/> | Completed Application |
| <input checked="" type="checkbox"/> | Survey of Property |
| <input checked="" type="checkbox"/> | Description of Proposed Use |
| <input checked="" type="checkbox"/> | Adjacent Property Owners |

- | | |
|-------------------------------------|-----------------------------|
| <input checked="" type="checkbox"/> | Fees Paid |
| <input checked="" type="checkbox"/> | Property Located on Tax Map |
| <input checked="" type="checkbox"/> | Proffers (if applicable) |
| <input type="checkbox"/> | _____ |



Planning and Community Development
City of Harrisonburg, Virginia

CITY OF HARRISONBURG
Rezoning
181 South Liberty Street
(Old Police Department Lot)
M-1 to B-1
Tax Map: 25-C-2, 3, 4, 5 & 15
1.2 +/- acres
LOCATION MAP

S LIBERTY ST

W BRUCE ST

W WATER ST

CHESAPEAKE AVE

B-1

M-1

R-3C

M-1

R-3



181 South Liberty Street Rezoning - M-1 to B-1



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT February 11, 2009

REZONING – 181 SOUTH LIBERTY STREET (OLD POLICE DEPARTMENT LOT)

GENERAL INFORMATION

Applicant: Rosetta Stone, Inc.
Tax Map: 25-C-2, 3, 4, 5, & 15
Acreage: 1.2 +/- acres
Location: 181 South Liberty Street
Request: Public hearing to consider a request to rezone five lots from M-1, General Industrial District to B-1, Central Business District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Public / Semi-Public. This designation includes both existing and proposed public and semi-public use. It includes lands owned or leased by the Commonwealth of Virginia (except for institutions of higher learning), the federal government, the City of Harrisonburg, and other governmental organizations. Examples of uses included in this category are public schools, libraries, City Hall and City administrative and support facilities.

The following land uses are located on and adjacent to the property:

Site: Old Police Department Building, zoned M-1
North: Across West Water Street, Rockingham Regional Jail, zoned, B-1
East: Across South Liberty Street, city-owned parking facility, zoned B-1
South: Merle Norman retail establishment, zoned B-1 and vacant industrial building, zoned M-1
West: Across Norfolk Southern railroad, parking lot and a non-conforming residential unit, zoned M-1, and professional office uses, zoned R-3C

EVAULATION

Rosetta Stone, Inc. is requesting to rezone five lots that were previously owned by the City of Harrisonburg, from M-1, General Industrial District to B-1, Central Business District. The properties are located along West Water Street and South Liberty Street and include a parking lot and a structure that is non-conforming to setback regulations. The applicant is in the process of renovating the structure into office and business space. If rezoned, the structure would be in compliance to setback regulations and the planned uses would be permitted by right.

In December of 1969, the City of Harrisonburg purchased the properties from Rockingham Construction Company. At that time, the property was improved with the Valley Creamery building, a

poultry plant building, a garage, an old steel building, and two dwellings. Over the years, the garage, the steel structure, and the two dwellings were demolished. The City used the Valley Creamery building as the Police Department headquarters while the poultry plant structure was used as a storage and training warehouse. The Police Department used the facility until 2005 when they moved into Harrison Plaza at the corner of North Main Street and Elizabeth Street. The Police Department headquarters building has been empty since that time. Recently, the storage and warehouse structure was demolished in preparation of the sale of the property to Rosetta Stone, Inc.

A representative from Rosetta Stone said the company plans to renovate the building into open cubicle space intended for business offices. They also plan to put in additional parking for their employees and to stripe the parking lot to facilitate pedestrian movement on the property. Most likely the landscaping on the property will remain as it exists today except for a planned patio area in the back, southwestern corner where the storage and warehouse facility was located.

Staff has no reservations about this rezoning application. To begin with, the subject property falls within the Downtown Revitalization Area as designated by the Comprehensive Plan; rezoning this property demonstrates a cooperative approach that should assist the ongoing efforts to revitalize and rehabilitate our downtown area. It is estimated that Rosetta Stone will invest at least \$500,000 into improving the existing structure. This expansion will allow them to create one hundred, \$50,000 salaried positions; therefore, rezoning this property would also show further support for the downtown area as a core business district while offering an example of the successfulness of a downtown business. Furthermore, although the Comprehensive Plan designates this property and nearby properties as Public/Semi-Public (which typically means they are either currently owned or leased by government agencies), many of the surrounding properties are designated as Mixed Use Development Areas; uses that fit into this designation are most closely associated with those found in the B-1 district.

Staff supports a favorable recommendation to City Council.

Mr. Simon Berriochoa, VP Operations
Rosetta Stone, Inc.
135 W. Water Street
Harrisonburg, VA 22801

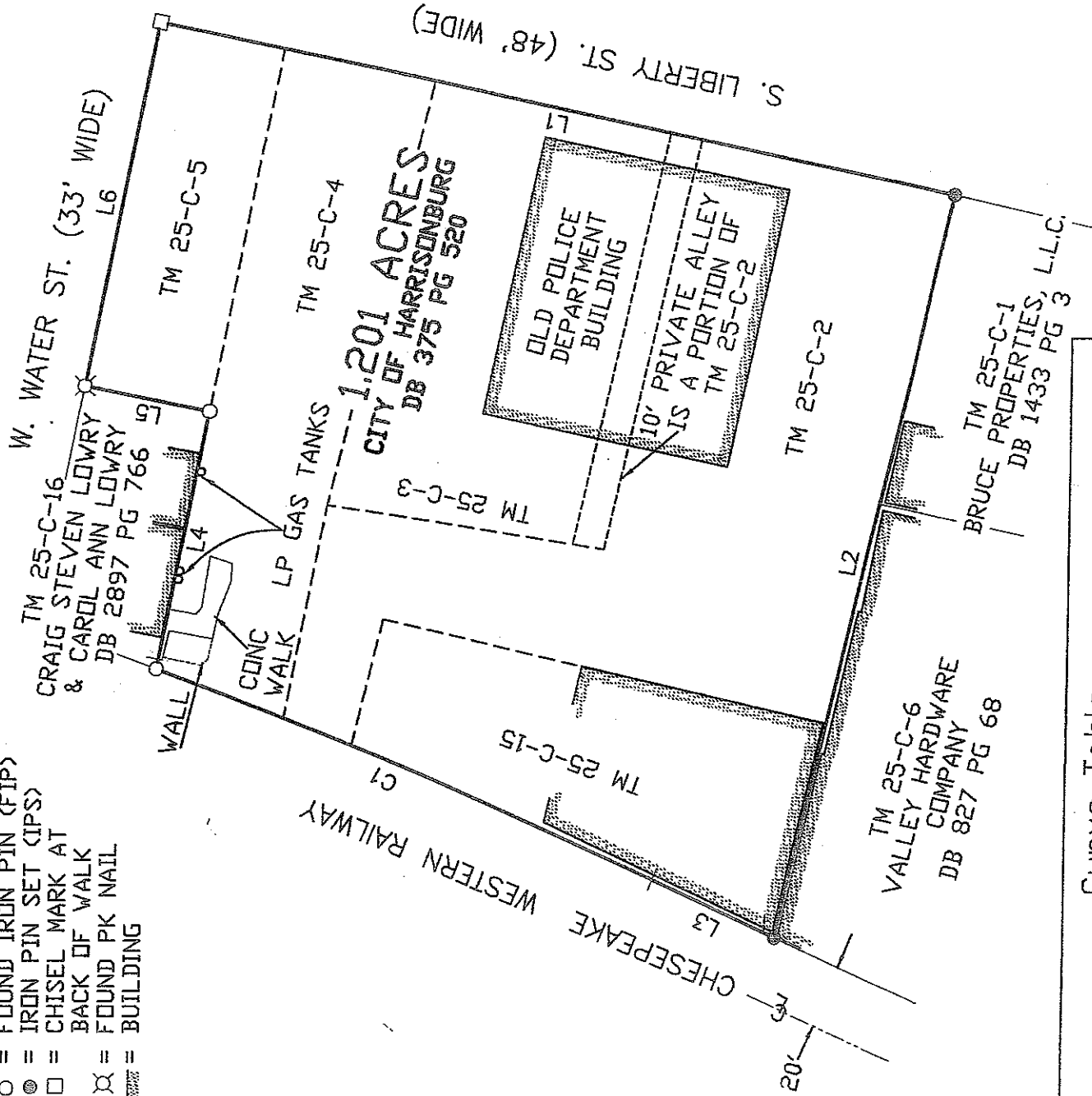
Plan of Development

The plan of development includes rehabilitation of the existing site and structure known as the "Police Block". The structure will be modified to provide flexible space for professional and business office uses. The site will be modified to provide parking, landscaping and pedestrian movement.

The plan of development will commence in February of 2009 and will be completed within a period of 2 years.

VA. STATE GRID

- O = FOUND IRON PIN (FIP)
- = IRON PIN SET (IPS)
- = CHISEL MARK AT BACK OF WALK
- ⋈ = FOUND PK NAIL
- ▨ = BUILDING

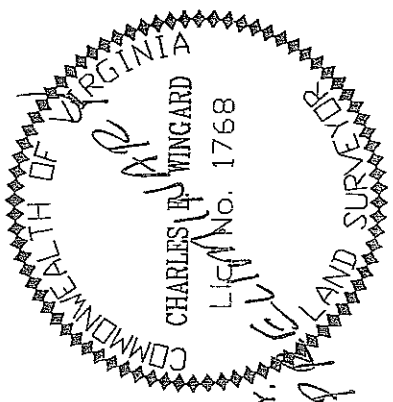


Curve Table				
CURVE	ARC	RADIUS	CHORD	CHORD BRG
C1	172.37	2566.64	172.33	N22° 43' 37"E

LINE	BEARING	DISTANCE
L1	S 11°56'30" W	260.07'
L2	N 77°06'30" W	242.85'
L3	N 24°39'03"E	43.48'
L4	S 79°21'54" E	83.43'
L5	N 11°38'06" E	40.00'
L6	S 79°14'30" E	117.83'

NOTE:

- 1) THIS BOUNDARY SURVEY IS BASED ON A CURRENT FIELD SURVEY.
- 2) NO TITLE REPORT HAS BEEN FURNISHED.
- 3) EASEMENTS, IF ANY, ARE NOT SHOWN.



BOUNDARY SURVEY OF
THE LAND OF
CITY OF HARRISONBURG
(T.M. 25-C-
2,3,4,5 & 15)
CITY OF HARRISONBURG,
VIRGINIA

OLD POLICE DEPT. LOT
PROJECT #
0809

SCALE: 1" = 50'			
DRAWN BY	DATE		
JRS	MAY 5 2008		
SHEET	BLOCK	LOT	
25	C	2,3,4, 5 & 15	



DIVISION OF ENGINEERING
CITY OF HARRISONBURG
409 SOUTH MAIN STREET
HARRISONBURG, VA 22801

PARCELS TO BE REZONED:

TM 25-C-15
TM 25-C-2
TM 25-C-3
TM 25-C-4
TM 25-C-5

TOTAL AREA 1.201 ACRES

Date Application Received: 12/29/08

Total Paid: \$ 325.00

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: ROSETTA STONE, INC - MR. SIMON BERRIOCHOA - V.P. OPERATIONS
Street Address: 135 W. WATER STREET Email: sberriochoa@rosetta-stone.com
City/State/Zip: HARRISONBURG, VA 22801
Telephone (work): 540-432-6166 (home or cellular): 540-236-5239 (fax): 540-432-0953

Section 2: Owner's Representative Information

Name: EUGENE STOLTZFUS ARCHITECTS, PLLC - MR. LANE CHESLEY
Street Address: 61 S. MAIN ST. #300 Email: lanecc@eugenestoltzfus.com
City/State/Zip: HARRISONBURG, VA 22801
Telephone (work): 540-437-4286 (home or cellular): 540-405-1196 (fax): 540-437-1227

Section 3: Description of Property

Location (street address): 5 PARCELS - SEE ATTACHED PLAT
Tax Map Number: Sheet: 25 Block: C Lot: 2-5* Total Land Area (acres or square feet): 1.201 ACRES
Existing Zoning District: M-1 GENERAL INDUSTRIAL Proposed Zoning District *: B1-CBD
Existing Comprehensive Plan Designation: B-1 CENTRAL BUSINESS DISTRICT

**If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?
Yes ☐ No ☐

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?
Yes ☐ No ☐

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: ROCKINGHAM COUNTY JAIL
East: PARKING DECK - CITY OF HARRISONBURG
South: BRUCE PROPERTIES, LLC 185 LIBERTY ST / VALLEY HARDWARE CO. 126 W. BRUCE ST.
West: CHESAPEAKE WESTERN RAILWAY

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: _____

Property Owner

See Back for Items Required for Submission

ITEMS REQUIRED FOR SUBMISSION

<input type="checkbox"/>	Completed Application	<input type="checkbox"/>	Fees Paid
<input type="checkbox"/>	Survey of Property	<input type="checkbox"/>	Source Deed
<input type="checkbox"/>	Description of Proposed Use	<input type="checkbox"/>	Proffers (if applicable)
<input type="checkbox"/>	Adjacent Property Owners	<input type="checkbox"/>	_____



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

February 11, 2009

ZONING ORDINANCE AMENDMENT

Section 10-3-55.3

City staff is requesting to modify the City's Zoning Ordinance by adding home occupations as a use permitted by right within the R-5, High Density Residential District. Recently, staff recognized that a home occupation is a use permitted by right in each residential district except for the R-5 category.

As a reminder, home occupations are defined as: *Any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising on the premises, and no other display or storage or variation from the residential character of the premises, and in connection with which no person outside the family is employed and no equipment which is deemed to be in conflict with the intent of this definition. A home occupation shall not include beauty parlors, barber shops or doctors' or dentists' offices for the treatment of patients.* In other words, the dwelling and the physical lot should not be altered in anyway that would distinguish it from being anything but a residential use. The general public should have no way of knowing there was a home occupation inside the dwelling because no signage is permitted and no clients, customers, patients, or employees can travel to and from the home. Also, to be clear, the uses listed in the definition as prohibited are only examples; many other occupations exist that would blatantly not be permitted. Furthermore, home occupations are administratively approved; there is no application fee or lengthy review process. More or less, the application is required for internal record keeping purposes and in case there are complaints or noticeable violations.

Staff deliberated why this use may have been purposely excluded from the R-5 category, but ultimately believed it was erroneously omitted during the creation of the R-5 district. The major uses within the R-5 district are townhouses and multiple family structures; as a comparison, both of those uses are permitted by right in the R-3 and R-4 district where home occupations are also allowed. Staff has no reason to believe this would cause detriment to the intent of the R-5 district.

Staff supports a favorable recommendation to City Council.

ZONING ORDINANCE AMENDMENT

Section 10-3-38, 10-3-42 (c), and 10-3-182 (c)

Staff is requesting to modify Sections 10-3-38, 10-3-42 (c), and 10-3-182 (c) of the Zoning Ordinance by replacing the word "two family" with "duplex" where it appears in the text of those sections. As Planning Commission probably remembers, staff presented several ordinance amendments last month; two of those were separate but related modifications, one of which was renaming the definition of

Draft

“Dwelling, Two Family” to “Dwelling, Duplex,” and then, modifying numerous sections of the Zoning Ordinance where the term “two family” appeared, by replacing it with “duplex.” Those amendments are on track to be heard and most likely to be approved by City Council this month. Unfortunately, staff overlooked these three sections where the term “two-family” appears in the text and would like to make the same changes as were submitted last month. The sections include 10-3-38 Purpose of District (from the R-2 district), 10-3-42 Other Regulations (from the R-2 district), and 10-3-182 Other Regulations (from the U-R district).

Staff supports a favorable recommendation to City Council.

ORDINANCE AMENDMENT

Zoning Ordinance

Section 10-3-55.3 Uses Permitted By Right.

R-5, High Density Residential District

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-55.3

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of
Harrisonburg, Virginia:**

That Section 10-3-55.3 be amended as follows:

Section 10-3-55.3 Use Permitted By Right.

Add a new subsection (12) as shown:

(12) Home occupations.

The remainder of Section 10-3-55.3 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2009.
Adopted and approved this _____ day of _____, 2009.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDMENT

Zoning Ordinance

Section 10-3-38, 10-3-42(c), & 10-3-182 (c)

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-38, 10-3-42 (c), & 10-3-182 (c)

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of
Harrisonburg, Virginia:**

That Sections 10-3-38, 10-3-42 (c), and 10-3-182 (c) be amended as follows:

Amend language as described:

The term “two-family” shall be replaced with the term “duplex” within the above listed sections.

The remainder of the above listed Sections are reaffirmed and reenacted in their entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2009.
Adopted and approved this _____ day of _____, 2009.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Harrisonburg Planning Commission



2008 Annual Report

Harrisonburg Planning Commission
2008 Annual Report

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Harrisonburg Planning Commission
2008 Annual Report

Planning Commission Membership

Richard A. Baugh
Chairman

Jared Burden
Vice Chairman

George Pace, Councilman

Alan Finks

W.L. Jones, Jr.

Joseph M. Snell, II

David Wiens

Harrisonburg Planning Commission

2008 Annual Report

Rezoning

Request	Planning Commission Action	Date	City Council Action
Harman Property (Stone Spring Road) 093 00A 001 001 007 R-3 to R-5C	Recommended to deny (5-1)	11-14-07	Returned to PC
	Recommended to approve (4-2)	01-16-08	Approved (3-1)
1400 South Main Street 011 00C 046 001 008 R-3 to B-2C	Tabled by applicant at PC hearing	01-16-08	----
	Recommended to approve (6-0)	02-13-08	Approved (5-0)
635/655 Stone Spring Road 093 093 00B 001 001 008 R-1 to B-2C	Tabled by applicant at PC hearing	02-13-08	----
	Recommended to deny (7-0)	03-12-08	Tabled by applicant before CC hearing
Miller's Homestead Proffer Amendment 042 00D 005 001 008 R-3C Proffer Amendment	Recommended to approve (6-0)	02-13-08	Approved (5-0)
311 South Federal Street (Kohl) 026 00K 006 001 008 B-2 to B-1C	Recommended to approve (7-0)	03-12-08	Approved (5-0)
Muhlenberg Lutheran Church 281 East Market St. 026 00A 011 002 008 B-2 to B-1C	Recommended to approve (7-0)	03-12-08	Approved (5-0)
Heritage Estates Proffer Amendment 117 00F 001C 002 008 R-2C Proffer Amendment	Recommended to approve (7-0)	03-12-08	Approved (5-0)
Campus View Condominiums 081 00A 019 004 008 R-3 to R-5C	Tabled by applicant before PC hearing	03-12-08	----
	Withdrawn by applicant before PC hearing	04-09-08	----
810 Port Republic Rd. (Radha Krushna LLC) 092 00A 001 002 008 R-4 to B-2C	Recommended to approve (6-0)	04-09-08	Approved (5-0)
1035 Shenandoah Street (Sandberg and Yoder) 048 00E 009 003 008 B-2 to R-3C	Recommended to approve (4-2)	04-09-08	Denied (3-2)
West Rock St Apartments (Between W. Rock & Wolfe) 035 00O 004 002 008 M-1 to B-1C	Recommended to deny (5-0)	06-11-08	Tabled by applicant before CC meeting
	Tabled by applicant before PC hearing	08-13-08	----
1050/1058 Park Road (Randall Johnson) 048 00D 039 003 008 B-2 to R-2	Recommended to approve (5-0)	06-11-08	Approved (5-0)
Cosner Development LC 1720 Pear Street 009 00E 002 001 008 R-2 & R-3 to R-3C	Recommended to approve (5-0)	06-11-08	Approved (5-0)

Harrisonburg Planning Commission

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Ridgewood Road (Aslam lots 10, 11, & 12) 086 00C 010 001 008 R-4 to R-1	Recommended to approve (6-0)	07-09-08	Approved (5-0)
1090 Virginia Avenue (Strawderman/Tran) 047 00O 068 001 008 M-1 to B-2	Recommended to approve (6-0)	07-09-08	Approved (5-0)
Proffer Amendment 810 Port Republic Rd. 092 00A 001 003 008 B-2C Proffer Amendment	Tabled by applicant at PC hearing Recommended to deny (6-1)	10-08-08 12-10-08	----- Tabled by applicant before CC hearing
1320 Port Republic Road (DeSarno Property) 088 00C 006 003 008 R-1 to B-2C	Recommended to deny (6-0)	11-12-08	Approved (5-0)
584 East Market Street (Blackwell Property) 033 00V 003 001 008 R-2 to R-3C	Recommended to deny (4-3)	12-10-08	Denied (3-2)
715 Port Republic Road (Funkhouser Property) 012 00M 003 001 008 R-3 to B-2C	Recommended (7-0)	12-10-08	Approved (5-0)

Special Use Permits

Request	Planning Commission Action	Date	City Council Action
Hunters Ridge Extension 004 00B 002 001 008 10-3-55.4 (1)	Recommended (6-0)	02-13-08	Approved (5-0)
Roosevelt Square 2008 Revision 024 00Q 006 001 008 10-3-40 (7)	Recommended with conditions (3-2)	02-13-08	Approved (5-0)
1000 South High Street Recreation Facility 019 00D 010 001 008 10-3-97 (10)	Recommended with conditions (6-0)	03-12-08	Approved (5-0)
Heritage Estates LLC 116 00C 019 001 008 10-3-34 (5)	Recommended (7-0)	03-12-08	Approved (5-0)
Campus View Condominiums 081 00A 019 005 008 10-3-55.4 (1)	Tabled by applicant before PC hearing Withdrawn by applicant before PC hearing	03-12-08 04-09-08	----- -----
1054 South High Street (Lion of Judah Ministries) (Religious Use) 019 00D 015 001 008 10-3-97 (9)	Recommended with conditions (5-0)	06-11-08	Approved (5-0)
The Overlook at Stone Spring 093 00A 003 003 008 10-3-55.4 (1)	Recommended (6-0)	10-08-08	Approved (5-0)

Harrisonburg Planning Commission

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1320 Port Republic Road (Reduced Parking) 088 00C 006 004 008 10-3-91 (8)	Recommended with conditions (4-2)	12-10-08	Approved (5-0)
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Street and Alley Closings

Request	Planning Commission Action	Date	City Council Action
Right-of-Way Adjacent to 20-D-23 (Turner)	Tabled by applicant before PC hearing Recommended (6-0)	01-16-08 02-13-08	---- Withdrawn by applicant before CC hearing
Right-of-Way Remnant of Hillside Avenue (Between 13-B-1 & 13-B-2)	Recommended to approve (6-0)	01-16-08	Approved (4-0)
Alley Closing Between East Water Street and Newman Avenue (Adj. To 26-C-1, 2, & 3)	Recommended to approve (6-0)	04-09-08	Approved (5-0)
Alley Closing Perpendicular to Ott Street (Muhlenberg Lutheran Church)	Withdrawn by Applicant	05-14-08	----
Alley Closing (City Request) Perpendicular to Ott Street	Recommended to approve (5-0)	06-11-08	Approved (5-0)

Master Plan Amendments

Request	Planning Commission Action	Date	City Council Action
Forest Hills Manor 2008	Recommended (6-0)	06-11-08	N/A

Ordinance Amendments

Request	Planning Commission Action	Date	City Council Action
Subdivision Ordinance Amendment Section 10-2-26 (a) & (d)	Recommended (6-0)	05-14-08	Approved (5-0)
Subdivision Ordinance Amendment 10-2-23 (14) TIA Fees	Recommended (5-0)	06-11-08	Approved (5-0)
Zoning Ordinance Amendment 10-3-16 (d) TIA Fees	Recommended (5-0)	06-11-08	Approved (5-0)
Zoning Ordinance Amendment 10-3-118 TIA Fees	Recommended (5-0)	06-11-08	Approved (5-0)
Subdivision Ordinance Amendment 10-2-23 Stormwater BMP Areas	Recommended (6-0)	08-13-08	Approved (5-0)

Harrisonburg Planning Commission

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Subdivision Ordinance Amendment 10-2-25 Stormwater BMP Areas	Recommended (6-0)	08-13-08	Approved (5-0)
Zoning Ordinance Amendment Article T Reference Corrections Sections 10-3-35, 41, 47, 48.5, 53, 55.5, 64, 72, 80, 86, 92, & 105	Recommended (6-0)	10-08-08	Approved (5-0)
Zoning Ordinance Amendment R-5 Addition to Article T. Modifications and Adjustments Section 10-3-113 Townhouses	Recommended (6-0)	10-08-08	Approved (5-0)
Zoning Ordinance Amendment Article U. Reference Corrections 10-3-127(a) and 10-3-128 (a) & (b)	Recommended (6-0)	10-08-08	Approved (5-0)
Zoning Ordinance Amendment Bus Shelter Setbacks Section 10- 3-114	Recommended (6-0)	10-08-08	Approved (5-0)
Zoning Ordinance Amendment Definitions Bus Shelter Section 10-3-24	Recommended (6-0)	10-08-08	Approved (5-0)

Comprehensive Plan Amendment

Request	Planning Commission Action	Date	City Council Action
Comprehensive Plan Amendment Chapter 14 Revitalization	Recommended (6-0)	08-13-08	Approved

Preliminary Plats

Request	Planning Commission Action	Date	City Council Action
Purple & Gold Townhomes (Resubmission) 080 00A 004 001 008	Recommended (5-0)	01-16-08	Approved (4-0)
JD Land, LLC (106 Maryland Avenue) 018 00F 002A 001 008	Recommended 6-0)	02-13-08	Approved (5-0)
Liberty Square Section 2 (Resubmission) 031 00P 001 001 008	Recommended with condition (6-0)	05-14-08	Approved (5-0)
Heritage Estates (R-2C Section) 116 00C 020 002 008	Recommended (6-0)	07-09-08	Approved (5-0)
The Overlook at Stone Spring (Harman Property) 093 00A 001 002 008	Recommended (6-0)	08-13-08	Approved (5-0)
Freeman Station (Cosner Development LC) 009 00E 001 001 008	Recommended (7-0)	09-10-08	Approved (5-0)

Harrisonburg Planning Commission
2008 Annual Report


Chatham Square 074 00B 002 002 008	Recommended (6-0)	10-08-08	Approved (5-0)
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MEETINGS AND WORKSHOPS

 **Total Number of Regular Meetings: 12**

Meeting Dates:

January 16, 2008
February 13, 2008
March 12, 2008
April 9, 2008
May 14, 2008
June 11, 2008
July 9, 2008
August 13, 2008
September 10, 2008
October 8, 2008
November 12, 2008
December 10, 2008

 **Planning Commission Work Sessions/Other Meetings:**

Meeting Dates:

September 30, 2008 – Mixed Use
November 12, 2008 – CIP
November 17, 2008 – Mixed Use

Department of Planning and Community Development

Report of Annual Activity

Planning and Zoning Division

2008



CITY OF HARRISONBURG, VIRGINIA



ZONING ACTIVITIES

Inspection of Zoning Requirements	405
Proactive Zoning Violations	296
Home Occupations Permits Issued	97
Comprehensive Site Plans Reviewed	122
Sign Permits Issued	91
Building Permits Reviewed	979

SUMMARY OF THE BOARD OF ZONING APPEALS (BZA) ACTIVITY

The Board of Zoning Appeals heard eight cases in 2008. Seven were setback variance requests; six were approved and one was denied. One was a lot depth variance request that was tabled to 2009.

PROACTIVE ZONING ENFORCEMENT

Sector	Date	Violations Cited
Reherd Acres	January	12
RT 33 West	February	16
Chicago Avenue	March	22
Pleasant Hill	April	13
Avalon Woods	May	26
Waterman Elementary	June	61
Bluestone Hills & Valley Mall	July	33
Keister Elementary	August	5
500-600 S. Main	September	30
Court Square	October	3
Preston Heights	November	3
Wyndham Woods	December	4

MINOR SUBDIVISIONS

Request	Case Number	Staff Action	Date	Deed Book/Page
Redivision Lot 1, Neff Properties, Section 13	078 00B 001 001 007	Approved	08-14-07	3308/193
169 Pleasant Hill Rd. (ROW & Water Esmt)	008 00B 003 001 007	Approved	01-04-08	3249/55
Old Hatchery Building Property Subdivision	048 00G 023 004 007	Approved	01-30-08	3260/235
Brookland Add. Prop. Line adj. Lots 6 & 8	036 00Q 006 001 007	Approved	01-17-08	3252/558
Stone Enterprises, LLC	006 00C 007 001 008	Approved	01-09-08	3247/137
Lot 3, Section 1, Mosby South Subdivision	006 00C 001 002 008	Approved	01-22-08	3252/562
Redivision of Revised lots 3A & 3B Sec 37 Deyerle Sub	079 00D 001 001 008	Approved	02-11-08	3265/333
Rediv. Lots 15 & 16, Park View Hts., Sec. One	049 00A 019 001 008	Approved	02-19-08	3288/669
Property Line Vacation – Janis Brown Enterprises, LLC	092 00F 001 001 008	Approved	01-30-08	3256/654
F. Lynn Griffith Prop. (Roosevelt Sq.)	024 00Q 006 002 008	Approved	02-28-08	3275/578
Lot Line Vacation Between Lots 2 & 1A	018 00R 021 004 008	Approved	02-22-08	3272/637
Div of Lot 7, Sec 1, Ashby Meadows Sub	088 00G 001 001 008	Approved	03-12-08	3282/738
Lot Line. Vac. Between 41-N-13 & 14 (City Prop.)	041 00N 014 001 008	Approved	03-12-08	3307/244
Hi-Sky Enterprises, LLC	026 00A 007 003 008	Approved	03-18-08	3285/792
Shenk Family Revocable Living Trust Prop.	048 00G 027 002 008	Withdrawn	--	--

Rev. Lot 6A Sec. 1 Skyline Village Sub. (ROW)	074 00F 006 001 008	Approved	08-05-08	3367/767
Portion of Block F – Richard L. Suter Subdivision Lots 20 & 21	040 00B 041 001 008	Approved	04-23-08	3306/765
Rediv. of Lots 10-12 Perry S. Martin Southern Extension	125 00C 010 001 008	Approved	05-01-08	3321/751
Rediv. Block C, Lots 9-11 Wyndham Woods	124 00C 010 001 008	Approved	05-29-08	3332/646
Harmony Hts, Sec. II, Division of Lot 205	053 00M 005 001 008	Approved	05-29-08	3334/698
Division Lot 3, Section 2, Ashby Meadows Subdivision	088 00I 007 002 008	Approved	06-16-08	3360/668
Redivision Lots A,B,&C Port Republic Rd Business Park	092 00F 012 003 008	Approved	06-20-08	3344/73
Property Line Vac. (701 Chestnut Dr.)	023 00M 014 001 008	Approved	06-26-08	3346/398
Forward Carlton Subdivision Lot 2, Section 3	027 00N 005 002 008	Approved	07-14-08	3355/754
Heritage Estates, Sec One, Redivision Lots 27 & 28	116 00C 027 003 008	Approved	08-12-08	3371/43
Lot Line Vac. – Gift and Thrift (Mt. Clinton Pike)	047 00M 002 002 008	Approved	09-10-08	3388/381
Lot Line Vacation – Rasul Property	040 00I 006 002 008	Approved	10-06-08	3399/59
Christophel Properties, LLC (Ohio Avenue)	018 00C 007 003 008	Approved	10-01-08	3398/732
Lot Line Adjust. – 97 Pleasant Hill Rd. (Hoover)	009 00F 003 002 008	Approved	10-21-08	3421/703
Lots 8 & 9, Blk. K (1054 Cherrybrook Dr.)	031 00K 009 003 008	Approved	11-06-08	3419/598

FINAL PLATS

Request	Case Number	Staff Action	Date	Deed Book/Page
Ashby Meadows, Sec. 1	088 00F 012 001 006	Approved	01-16-08	3251/631
The Crossings, Section 1	097 00A 009 002 007	Approved	04-07-08	3298/387
Purple & Gold Townhomes, Sec. 1 (aka Charleston Townes)	080 00A 004 001 007	Approved	05-16-08	3331/44
Ashby Meadows Section Two	088 00F 012 003 007	Approved	02-08-08	3300/678
Parkhill Subdivision (Shenk Subdivision)	048 00G 027 001 008	Approved	06-25-08	3349/591
JD Land LLC (106 Maryland Avenue)	018 00F 002A 002 008	Approved	05-01-08	3319/303
Wishing Well Estates, Section Two	084 00C 009 001 008	Approved	04-25-08	3313/775
Old Furnace Road Pump Station Lot	062 00B 003 001 008	Approved	07-01-08	3352/772
North Harrisonburg Industrial Park	056 00D 018 001 008	Approved	05-27-08	3329/211
Liberty Square, Section Two	031 00P 001 002 008	Approved	08-12-08	3371/31
Heritage Estates R-2C Section	116 00C 022 004 008	Approved	09-17-08	3391/396